

REMARKS

The present invention is a system, a user operable portable radio communication device and an object device. A system in accordance with an embodiment of the invention includes a user operable portable radio communication device and an object device connected to a network, the portable radio communication device including a transmitter for transmitting an identity tag indicative of the portable radio communication device; the object device comprising a receiver and a processor; and wherein in response to the receiver receiving an identity tag transmitted from the portable radio communication device, the processor authorizes the downloading of information via the network to a remote server or terminal in accordance with address information associated with the identity tag.

Claims 7-10 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 6,512,919 (Ogasawara) in view of United States Patent 6,751,298 (Bhogal et al.). These grounds of rejection are traversed for the following reasons.

Each of independent claims 7, 8 and 10 respectively recite a system including a user operable portable radio communication device and an object device, a user operable portable radio communication device and an object device each of which recite transmitting an identity tag indicative of the identity of the portable radio communication device, an object device comprising a receiver and a processor and the receiver receiving an identity tag transmitted from the portable radio communication device and the processor authorizing downloading of information via the network to a remote server or terminal in accordance with address information

associated with the identity tag. This subject matter is not suggested by the proposed combination of Ogasawara and Bhogal et al.

Ogasawara discloses an electronic shopping system which functions such that when a customer visits a store the customer dials the number of the stores personal shopping system device which causes a personal shopping system application program to be downloaded to the customers device to provide shopping.

See column 6, lines 5-32. The system of Ogasawara therefore facilitates the authentication of the customer by processing of the telephone number and further provides a basis for the customer being authorized to make purchases. With the purchasing of products of services, the operation of electronic shopping in accordance with Ogasawara is complete. The Examiner acknowledges this by concluding however, "Ogasawara does not specifically teach downloading of information via the network to a remote server or terminal in accordance with address information associated with the identity tag". Moreover while the telephone number does function as a mechanism for identifying the purchaser, such information does not suggest to a person of ordinary skill in the art a necessity for providing any connectivity for downloading of information via a network to a remote server or terminal in accordance with address information associated with the identity tag as recited in the claims.

The Examiner states that it would be obvious to combine the teachings of Bhogal et al. with Ogasawara to arrive at the subject matter with the Examiner contending that "Bhogal teaches downloading of information via the network to a remote server or terminal in accordance with address information associated with an identity tag. Fig. 1, 8; col. 4, lines 3-6, call col. 7, lines 60-65)."

However, the Examiner's reliance upon Bhogal et al. as motivating a person of ordinary skill in the art to arrive at the claimed subject matter is erroneous.

Bhogal et al. discloses a localized voice mail system that allows voice messages on a cellular telephone network to be stored on a remote server or other computer from which they are retrievable. It is submitted that a person of ordinary skill in the art would consider Bhogal et al. to be non-analogous art to the teachings of Ogasawara which pertains to an electronic system. As the Examiner is aware, analogous art must either be in the same field of endeavour or address the same problem.

However, Ogasawara is clearly in the field of electronic shopping and Bhogal et al. is clearly in the field of a voice mail system. It is submitted that a voice mail system is a different art area than the electronic shopping system of Ogasawara. Furthermore there is no common problem solved by Ogasawara and Bhogal et al.

In fact the Examiner relies upon speculation and impermissible hindsight to suggest that Bhogal et al. teach downloading information via a network to a remote server or terminal in accordance with address information associated with an identity tag. The cited portions of column 4, lines 3-6 and column 7, lines 60-65 merely discuss a methodology for a remote server to connect to a voice mail system and download stored voice messages. It is submitted that this disclosure does not pertain to downloading of information via the network to a remote server or terminal in accordance with address information associated with an identity tag. If the Examiner persists in this ground of rejection it is requested that the Examiner identify the identity tag in Bhogal et al.

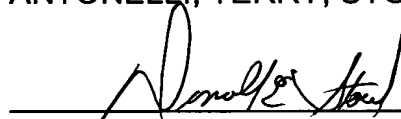
Moreover, the Examiner has not demonstrated why a person of ordinary skill in the art would be motivated to combine the teachings of Ogasawara and Bhogal et al. except by impermissible hindsight.

In view of the foregoing remarks it is submitted that claims 7-10 are in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (367.40417X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

Attachments

DES:kmh:dlh